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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/721,922	11/24/2003	Markus Pompejus	BGI-132CPCN

00959

LAHIVE & COCKFIELD, LLP.  
 28 STATE STREET  
 BOSTON, MA 02109



CONFIRMATION NO. 5830

## FORMALITIES LETTER



\*OC000000012872582\*

Date Mailed: 06/04/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Both of the duplicate disc(s) of a set of compact discs submitted contains unreadable files but there is a readable copy of each filed on at least one compact disc. A replacement set of duplicate discs with a readable copy of all files complying with 37 CFR 1.52(e) is required. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and the files, which are unreadable, are marked on the directory listing.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

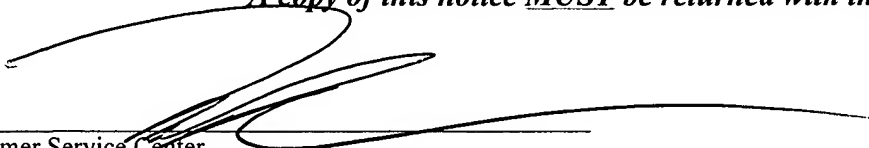
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/721922-Conf. #5830
	Filing Date	November 24, 2003
	First Named Inventor	Markus POMPEJUS
	Art Unit	1635
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	BGI-132CPCN

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 3 Compact Discs (Copy 1, Copy 2, and CRF); Transmittal Letter for Compact Disc of Sequence Listing; Statement Under 37 CFR 1.825(a) and 1.825(b); Part 2 Copy of Notice; and Return Receipt Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	LAHIVE & COCKFIELD, LLP Lisa M. DiRocco - 51,619
Signature	
Date	July 23, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL982741981US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 23, 2004

Signature:

(Lisa M. DiRocco)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompejus *et al.*

Serial No.: 10/721,922

Filed: November 24, 2003

For: *Corynebacterium Glutamicum* Genes Encoding  
Proteins Involved in Homeostasis and Adaptation

Attorney Docket No.: BGI-132CPCN

Group Art Unit: 1635

Examiner: Not Yet Assigned

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Alexandria, VA 22313-1450

**TRANSMITTAL LETTER FOR COMPACT DISC OF SEQUENCE LISTING**

Dear Sir:

Enclosed please find:

Two (2) copies of CD-R compact discs labeled Copy 1 and Copy 2 of the Sequence Listing submitted in lieu of a paper copy in accordance with 37 CFR §1.52(e). The two compact discs are identical, and

One (1) CD-R containing the computer readable form (CRF) of the Sequence Listing in accordance with 37 CFR §1.824.

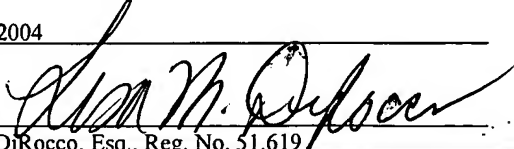
The compact discs are formatted from an IBM-PC and are compatible with MS-Windows. The compact discs contain the following file: seqlist.txt, containing 1,789kb. This file was created on June 30, 2004. The Sequence Listing contained on the enclosed CDs is understood to comply with the requirements of 37 CFR §1.52 and 37 CFR §1.821-1.825.

**Certificate of Express Mail**

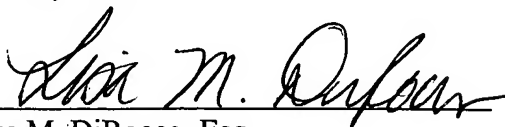
I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service as Express Mail Airbill No. EL982741981US, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

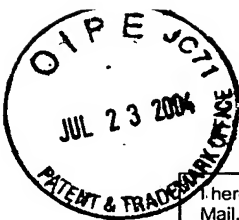
July 23, 2004

Date

  
Lisa M. DiRocco, Esq., Reg. No. 51,619

LAHIVE & COCKFIELD, LLP  
Attorneys at Law

By:   
Lisa M. DiRocco, Esq.  
Reg. No. 51,619  
Attorney for Applicants



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Dated: July 23, 2004

Signature: 

(Lisa M. DiRocco)

Docket No.: BGI-132CPCN  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Markus Pompejus *et al.*

Application No.: 10/721922

Filed: November 24, 2003

For: CORYNEBACTERIUM GLUTAMICUM  
GENES ENCODING PROTEINS INVOLVED  
IN HOMEOSTASIS AND ADAPTATION

Confirmation No.: 5830

Art Unit: 1635

Examiner: Not Yet Assigned

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed June 4, 2004, Applicant respectfully submits two copies of CD-R compact discs, one CD-R containing the computer readable form (CRF) of the Sequence Listing, a Sequence Listing Transmittal, a Statement Under 37 CFR 1.825(a) and 1.825(b), and Part 2 Copy of Notice.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 12-0080, under Order No. BGI-132CPCN. A duplicate copy of this paper is enclosed. Applicants request any extensions of time necessary to respond.

Dated: July 23, 2004

Respectfully submitted,

By 

Lisa M. DiRocco

Registration No.: 51,619

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